

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BRIAN A., et al.)	
)	
Plaintiffs,)	Civ. Act. No. 3:00-0445
)	Judge Todd J. Campbell
v.)	Magistrate Judge Joe B. Brown
)	
BILL HASLAM, et al.)	
)	
Defendants.)	

**PROPOSED STIPULATED ONE-TIME MODIFICATION OF SECTION XV.A OF THE
JULY 2011 MODIFIED SETTLEMENT AGREEMENT AND EXIT PLAN
AND REQUEST FOR COURT APPROVAL**

Whereas, on July 12, 2011 the Court approved the parties’ proposed July 2011 Modified Settlement Agreement and Exit Plan, Dkt. 434 (“July 2011 Exit Plan”), which provides in Section XV.A:

The [Technical Assistance Committee] shall continue in the role of independent Monitor that will evaluate, monitor and report on performance under the terms of this agreement until this Court’s jurisdiction terminates as described in Section XVIII.D. The TAC shall issue reports on performance under this agreement for the twelve-month period from January 1, 2010, through and including December 31, 2010, and for each six-month period thereafter. . . .

Dkt. 434 at 28.

Whereas, throughout calendar year 2011, the Department of Children’s Services (“DCS”) has been in the process of switching its management information system from the Tennessee Kids Information Data System (“TNKIDS”) to the new Tennessee Family and Child Tracking System (“TFACTS”). Due to delays in the transition to the TFACTS system, there have been delays in obtaining reliable data regarding DCS performance.

Accordingly, pursuant to Section XVII of the July 2011 Exit Plan providing for requested modification “on the consent of the parties,” the parties now stipulate and agree, and request Court approval, as follows:

The next TAC report on performance under the July 2011 Exit Plan shall cover the twelve month period ending December 31, 2011. The TAC shall issue reports for each six-month period thereafter.

DATED: October 26, 2011

APPROVED FOR ENTRY:

ATTORNEYS FOR PLAINTIFFS:

/s/ Marcia Robinson Lowry
MARCIA ROBINSON LOWRY (*pro hac vice*)
IRA LUSTBADER (*pro hac vice*)
MELISSA COHEN (*pro hac vice*)
CHILDREN’S RIGHTS, INC.
330 Seventh Avenue, 4th Floor
New York, NY 10001
(212) 683-2210

/s/ David L. Raybin
DAVID L. RAYBIN (TN BPR #003385)
HOLLINS, RAYBIN AND WEISSMAN P.C.
Suite 2200, Fifth Third Center
424 Church Street
Nashville, TN 37219
(615) 256-6666

JACQUELINE B. DIXON (TN BPR #012054)
WEATHERLY, MCNALLY AND DIXON, P.L.C.
Suite 2260
424 Church Street
Nashville, TN 37219
(615) 986-3377

OF COUNSEL FOR PLAINTIFFS:

RICHARD B. FIELDS (TN BPR #4744)
688 Jefferson Avenue

Memphis, TN 38105
(901) 578-7709


ROBERT LOUIS HUTTON (TN BPR #15496)
Glankler Brown, PLLC
Suite 1700, One Commerce Square
Memphis, TN 38103
(901) 525-1322

WADE V. DAVIES (TN BPR #016052)
Ritchie, Dillard and Davies
606 W. Main Street, Suite 300
Knoxville, TN 37902
(865) 637-0661

ATTORNEYS FOR DEFENDANTS:

/s/ Lindsey O. Appiah
LINDSEY O. APPIAH (TN BPR #027069)
Assistant Attorney General
General Civil Division
P.O. Box 20207
Nashville, TN 37202
(615) 741-7630

SO ORDERED:



CHIEF JUDGE TODD J. CAMPBELL, U.S.D.J. DATE